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6 *Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

10 MARIÁ HERRERA

|CASE NO.: 2:15-cv-01278

**Plaintiff.**

vs.

13 COSTCO WHOLESALE CORPORATION DBA  
14 COSTCO WHOLESALE, COSTCO  
15 WHOLESALE INTERNATIONAL, INC., DOE  
MAINTENANCE EMPLOYEE, DOE  
EMPLOYEE, DOE JANITORIAL EMPLOYEE,  
DOE OWNER, I-V, ROE OWNERS, ROE  
16 EMPLOYER, and ROE COMPANIES

**STIPULATION AND ORDER TO  
DISMISS, WITHOUT PREJUDICE**

#### Defendants.

19 Plaintiff, MARIA HERRERA, by and through her attorneys of record, RYAN M.  
20 ANDERSON and KIMBALL JONES, of the law offices of MORRIS ANDERSON, and  
21 Defendants, COSTCO WHOLESALE CORPORATION and COSTCO WHOLESALE  
22 INTERNATIONAL, INC. (collectively, "Defendants"), by and through their attorneys of record,  
23 KYM SAMUEL CUSHING and JOSEPH C. CHU, of the law offices of WILSON, ELSER,  
24 MOSKOWITZ, EDELMAN & DICKER LLP, hereby stipulate and agree as follows:

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1 IT IS HEREBY STIPULATED that Defendant COSTCO WHOLESALE  
 2 INTERNATIONAL, INC. shall be dismissed from the above-captioned matter, without prejudice.  
 3 The parties hereby further stipulate and agree that the statute of limitations for Plaintiff to re-assert  
 4 causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC. shall remain  
 5 ongoing through the close of discovery in this matter. Moreover, if Plaintiff finds cause to re-name  
 6 Defendant COSTCO WHOLESALE INTERNATIONAL, INC. as a defendant in this lawsuit and to  
 7 re-assert causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC.,  
 8 then Plaintiff may amend her Complaint accordingly and Defendants explicitly agree that the statute  
 9 of limitations has been satisfied and that Defendants' counsel will accept service on behalf of  
 10 Defendant COSTCO WHOLESALE INTERNATIONAL, INC. should it re-enter the lawsuit at any  
 11 time before the close of discovery.

12 It is further hereby stipulated and agreed that the parties' agreement to dismiss Defendant  
 13 COSTCO WHOLESALE INTERNATIONAL, INC., pursuant to the foregoing terms, shall not  
 14 constitute a waiver of, or otherwise impact, Plaintiff's right to oppose Defendant COSTCO  
 15 WHOLESALE CORPORATION's pending Notice of Removal, on file herein. (Dkt. 1).

16 Dated this 6<sup>th</sup> day of July, 2015. Dated this 6<sup>th</sup> day of July, 2015.

17 WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER, LLP

19 /s/ Kym Samuel Cushing  
 KYM SAMUEL CUSHING  
 20 Nevada Bar No. 4242  
 JOSEPH C. CHU  
 21 Nevada Bar No. 11082  
 300 South Fourth Street, 11th Floor  
 22 Las Vegas, Nevada 89101  
 (702) 727-1400  
 23 Attorneys for Defendants

MORRIS ANDERSON

/s/ Kimball Jones  
 RYAN M. ANDERSON  
 Nevada Bar No. 11040  
 KIMBALL JONES  
 Nevada Bar No. 12982  
 716 S. Jones Blvd.  
 Las Vegas, Nevada 89107  
 (702) 333-1111  
 Attorneys for Plaintiff

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## ORDER

Upon stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that, in the matter entitled, *Maria Herrera v. Costco Wholesale Corporation, et al.*, Case No. 2:15-cv-01278, Defendant COSTCO WHOLESALE INTERNATIONAL, INC. shall be dismissed, without prejudice. IT IS FURTHER HEREBY ORDERED that the statute of limitations for Plaintiff MARIA HERRERA to re-assert causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC. shall remain ongoing through the close of discovery in this matter and that Defendants' counsel will accept service on behalf of and will not oppose Plaintiff should Plaintiff find cause to re-name and re-assert causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC. in this action prior to the close of discovery.

IT IS FURTHER HEREBY ORDERED that the dismissal of Defendant COSTCO WHOLESALE INTERNATIONAL, INC., pursuant to the foregoing terms, shall not constitute a waiver of, or otherwise impact, Plaintiff's right to oppose Defendant COSTCO WHOLESALE CORPORATION's pending Notice of Removal, on file herein. (Dkt. 1).

## **IT IS SO ORDERED.**

Dated: July 7, 2015.

  
U.S. DISTRICT COURT JUDGE

Respectfully Submitted:

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER, LLP

/s/ Kym Samuel Cushing  
KYM SAMUEL CUSHING  
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